

SUPREME COURT OF ILLINOIS

WEDNESDAY, SEPTEMBER 22, 2010

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.23942 - In re: Lawrence Scott Wick. Disciplinary
22744 Commission.

(23942) The petition by respondent Lawrence Scott Wick for leave to file exceptions to the report and recommendation of the Review Board is denied. Respondent is disbarred, as recommended by the Review Board.

Order entered by the Court.

(22744) The rule to show cause issued to respondent Lawrence Scott Wick on November 21, 2008, pursuant to Supreme Court Rule 774 is discharged.

Order entered by the Court.

M.R.23960 - In re: Mark Maciasz. Disciplinary Commission.

The petition by respondent Mark Maciasz for leave to file exceptions to the report and recommendation of the Review Board is denied. Respondent is suspended from the practice of law for one (1) year, as recommended by the Review Board.

Suspension effective October 13, 2010.

Respondent Mark Maciasz shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.23981 - In re: Patrick Joseph O'Malley, Jr. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent Patrick Joseph O'Malley, Jr. is suspended from the practice of law for six (6) months and until further order of the Court, with the suspension stayed in its entirety by a two (2) year period of probation subject to the following conditions:

a. Respondent shall abstain from the usage of cocaine, cannabis, alcohol, and any unprescribed controlled substances;

b. Respondent shall continue his course of treatment with Rose Gomez, M.D., or another psychiatrist approved by the Administrator ("the doctor"). Respondent shall fully comply with the recommendations of the doctor as to the nature and frequency of treatment. Respondent shall maintain a log of the dates and times of his attendance at treatment sessions and submit a copy of the log to the Administrator with the quarterly reports discussed in paragraph (g) below;

c. Respondent shall, as required by the Administrator, submit to random substance testing by a qualified mental health professional or facility approved by the Administrator, within eight (8) hours of receiving notice by the Administrator that he shall submit to the testing. The results of the tests shall be reported to the Administrator. Respondent shall pay any and all costs of such testing;

d. Respondent shall participate in a 12-step program such as Alcoholics Anonymous, by attending at least two to three meetings a week. Respondent is to maintain a log of his attendance at the meetings and submit it to the Administrator with his quarterly reports;

e. Respondent shall maintain a sponsor in the 12-step program and shall provide the name, address and telephone number of the sponsor to the Administrator within fourteen (14) days of being placed on probation. Respondent shall request that the sponsor communicate with the Administrator in writing on a quarterly basis regarding respondent's participation and progress in the 12-step program and report any lapses in sobriety or usage of unprescribed controlled substances to the Administrator within seventy-two (72) hours of his knowledge of that usage;

f. Respondent shall report to the Administrator any lapse in his sobriety or usage of any unprescribed controlled substances within seventy-two (72) hours of that usage;

g. Respondent shall submit quarterly reports to the Administrator. Each quarterly report shall include the nature and extent of respondent's compliance with the conditions imposed herein, as well as information and documents necessary, in the opinion of the Administrator, to confirm respondent's compliance. Respondent shall provide any appropriate releases authorizing the Administrator to obtain information verifying his compliance, including his participation and progress in treatment and his compliance with any treatment plan;

h. Respondent shall provide to the doctor an appropriate release authorizing the doctor as follows: (1) on at least a quarterly basis, to disclose to the Administrator information pertaining to respondent's participation and progress in treatment; (2) to respond to the Administrator's inquiries concerning respondent's mental or emotional state and compliance with any treatment plan;

i. Respondent shall notify the Administrator within fourteen (14) days of any proposed change in treatment professionals. Any proposed change in psychiatrist must be acceptable to the Administrator;

j. Respondent shall attend meetings scheduled by the Commission probation officer as requested by the Administrator;

k. Respondent shall notify the Administrator within fourteen (14) days of any change of address, employment or doctor;

1. Respondent shall comply with the Illinois Rules of Professional Conduct and shall cooperate with the Administrator in providing information regarding any investigations into his conduct; and

m. Probation shall be revoked if respondent is found to have violated any of the conditions of probation. The suspension of six (6) months and until further order of the Court shall commence on the date that probation is revoked.

Respondent Patrick Joseph O'Malley, Jr. shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

M.R.23991 - In re: William Charles Chesbrough. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent William Charles Chesbrough is disbarred.

Order entered by the Court.

M.R.23995 - In re: Richard C. Sklare. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent Richard C. Sklare is suspended from the practice of law for one (1) year and until further order of the Court, with the suspension stayed after ninety (90) days by a two (2) year period of probation, subject to the following conditions which shall begin upon entry of the order of discipline:

a. Respondent shall comply with the provisions of Article VII of the Illinois Supreme Court Rules on Admission and Discipline of Attorneys and the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;

b. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;

c. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct;

d. Respondent shall notify the Administrator within seven (7) days of any arrest or charge alleging his violation of any criminal or quasi-criminal statute or ordinance;

e. Respondent shall attend meetings as scheduled by the Commission probation officer. Respondent shall submit quarterly written reports to the Commission probation officer concerning the status of his practice of law and the nature and extent of his compliance with conditions of probation;

f. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

g. Respondent shall abstain from the usage of alcohol and any unprescribed controlled substances;

h. Within thirty (30) days of the entry of the Court's order in this case, respondent shall commence an individualized relapse prevention plan while working with a relapse prevention counselor, Mr. John Houlihan, or such other individual acceptable to the Administrator;

i. Respondent shall continue in his course of treatment with Julie Berg-Einhorn or such other qualified mental health professional acceptable to the Administrator, and shall report to Ms. Berg-Einhorn or other professional on a regular basis of not less than twice a month, with the Administrator advised of any change in attendance deemed warranted by such professional;

j. Respondent shall comply with all treatment recommendations of Ms. Berg-Einhorn or such other qualified mental health professional, including the taking of medications as prescribed;

k. Respondent shall provide to Ms. Berg-Einhorn or such other qualified mental health professional, an appropriate release authorizing the treating professional to: (1) disclose to the Administrator on at least a quarterly basis information pertaining to the nature of respondent's compliance with any treatment plan established with respect to respondent's condition; (2) promptly report to the Administrator respondent's failure to comply with any part of an established treatment plan; and (3) respond to any inquiries by the Administrator regarding respondent's mental or emotional state or compliance with any established treatment plans;

l. Respondent shall notify the Administrator within fourteen (14) days of any change in treatment professionals;

m. Respondent shall, as required by the Administrator, submit to random substance testing by a qualified mental health professional or facility approved by the Administrator, within eight (8) hours of receiving notice by the Administrator that he shall submit to the testing. The results of the tests shall be reported to the Administrator. Respondent shall pay any and all costs of such testing;

n. Respondent shall participate in a 12-step program such as Cocaine Anonymous, Narcotics Anonymous, Alcoholics Anonymous and/or the Lawyers' Assistance Program, by attending at least one to two meetings a week. Respondent is to maintain a log of his attendance at the meetings and submit it to the Administrator with his quarterly reports, referred to in sub-paragraph (e) above;

o. Respondent shall maintain a sponsor in the 12-step program and shall provide the name, address and telephone number of the sponsor to the Administrator within fourteen (14) days of being placed on probation. Respondent shall request that the sponsor communicate with the Administrator in writing on a quarterly basis regarding respondent's participation and progress in the 12-step program and report any lapses in sobriety or usage of unprescribed controlled substances to the Administrator within seventy-two (72) hours of his knowledge of that usage;

p. Respondent shall participate in a Caduceus program designed for chemically dependent professionals and shall complete a one (1) year Caduceus agreement;

q. Respondent shall become and remain involved with Lawyers' Assistance Program ("LAP") as deemed appropriate by the LAP staff;

r. Respondent shall remain under the treatment of his primary care physician and comply with all treatment recommendations of said physician;

s. Respondent shall report to the Administrator any lapse in his sobriety or usage of any unprescribed controlled substances within seventy-two (72) hours of that usage; and

t. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining nine (9) month period of suspension shall commence from the date of the determination that any term of probation has been violated and shall continue until further order of the Court.

Suspension effective October 13, 2010.

Order entered by the Court.

M.R.24009 - In re: Brian Edward King. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Review Board is allowed. Respondent Brian Edward King is suspended from the practice of law for nine (9) months and until he makes full restitution to Erwin, Martinkus, & Cole, Ltd. and attends and successfully completes the Professionalism Seminar of the Illinois Professional Responsibility Institute.

Suspension effective October 13, 2010.

Respondent Brian Edward King shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.24013 - In re: Ted Maurice Word. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent Ted Maurice Word is censured and directed to attend and successfully complete, within one (1) year of the entry of this disciplinary order, the Professionalism Seminar of the Illinois Professional Responsibility Institute and deposit \$950 with the Clerk of the Circuit Court of Cook County.

Order entered by the Court.

M.R.24030 - In re: Melvin H. Hoffman. Disciplinary
23426 Commission.

(24030) The petition by respondent Melvin H. Hoffman for leave to file exceptions to the report and recommendation of the Review Board is denied. Respondent is suspended from the practice of law for six (6) months and until further order of the Court, as recommended by the Review Board.

Order entered by the Court.

Karmeier, J., took no part.

(23426) The rule to show cause issued to respondent Melvin H. Hoffman on October 22, 2009, pursuant to Supreme Court Rule 774 is discharged.

Order entered by the Court.

Karmeier, J., took no part.

M.R.24033 - In re: Daniel Steven Gradows. Disciplinary
Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed. Respondent Daniel Steven Gradows is suspended from the practice of law for one (1) year and until further order of the Court and until he makes restitution to Norman Clark in the amount of \$1,100 and to the Illinois Secretary of State in the amount of \$612.75.

Order entered by the Court.

M.R.24036 - In re: Christian Lawrence Kline. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission for leave to file exceptions to the report and recommendation of the Review Board is allowed. Respondent Christian Lawrence Kline is suspended from the practice of law for three (3) months and until he attends and successfully completes the Professionalism Seminar of the Illinois Professional Responsibility Institute.

Suspension effective October 13, 2010.

Respondent Christian Lawrence Kline shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.24041 - In re: Theodore Ross Diaz. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Theodore Ross Diaz is suspended from the practice of law for one (1) year and until further order of the Court.

Order entered by the Court.

M.R.24046 - In re: Brent Alexander Smith. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent Brent Alexander Smith is censured and directed to attend and successfully complete, within one (1) year of the entry of this disciplinary order, the Professionalism Seminar of the Illinois Professional Responsibility Institute.

Order entered by the Court.

M.R.24047 - In re: George Richard Flynn. Disciplinary
23046 Commission.

(24047) The petition by the Administrator of the Attorney Registration and Disciplinary Commission for leave to file exceptions to the report and recommendation of the Review Board is allowed. Respondent George Richard Flynn is suspended from the practice of law for three (3) years and until further order of the Court, with the suspension stayed after eighteen (18) months by a two (2) year term of probation subject to the following conditions which shall take effect on the effective date of the Court's final order of discipline, except for conditions (j) and (k) which shall be effective once the suspension is stayed:

a. Respondent shall attend meetings scheduled by the Commission probation officer as requested by the Administrator. Respondent shall submit quarterly written reports to the Administrator concerning the extent of his compliance with the conditions of probation and provide supporting documentation as requested;

b. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

c. Respondent shall continue a course of treatment with a psychiatrist acceptable to the Administrator, and shall comply with all treatment recommendations of the psychiatrist, including scheduled office appointments and the taking of medications as prescribed;

d. Respondent shall continue in therapy with a psychotherapist acceptable to the Administrator, in accordance with the recommendations of Dr. Lawrence Jeckel, and shall comply with all treatment recommendations of the psychotherapist;

e. Respondent shall provide the necessary releases to authorize his psychiatrist or psychotherapist to: (1) disclose to the Administrator on at least a quarterly basis information pertaining to the nature of respondent's compliance with any treatment plan established with respect to respondent's condition; (2) promptly report to the Administrator respondent's failure to comply with any part of an established treatment plan; and (3) respond to any inquiries by the Administrator regarding respondent's mental or emotional state or compliance with any established treatment plan;

f. Respondent shall notify the Administrator within fourteen (14) days of any change in treatment professionals;

g. Respondent shall abstain from the usage of alcohol and any unprescribed controlled substances;

h. Respondent shall, upon request by the Administrator, submit to random substance testing by a mental health professional or facility approved by the Administrator, within eight (8) hours of receiving notice by the Administrator that he shall submit to the testing. The results of the tests shall be reported to the Administrator. Respondent shall pay any and all costs of such testing;

i. Respondent shall report to the Administrator any lapse in sobriety or usage of any controlled substances within seventy-two (72) hours of that usage;

j. Respondent shall, within the first thirty (30) days of probation, be mentored by an experienced attorney acceptable to the Administrator; respondent shall meet with his mentor at least twice a month; and the mentor shall review the nature of respondent's work, all funds paid to and held by respondent, and the overall continued fitness of respondent to practice law;

k. Respondent shall authorize the attorney who is his mentor to submit reports regarding respondent's practice and overall fitness to the Administrator on a quarterly basis, and to respond to any inquiries by the Administrator regarding those matters;

l. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigation relating to his conduct;

m. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;

n. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remainder of the period of suspension shall commence from the date of the determination that any term of probation has been violated and shall continue until further order of the Court; and

o. If respondent successfully completes the terms of his probation, the probation and suspension shall terminate without further order of the Court.

Suspension effective October 13, 2010.

Respondent George Richard Flynn shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

(23046) The rule to show cause issued to respondent George Richard Flynn on March 16, 2009, pursuant to Supreme Court Rule 774 is discharged.

Order entered by the Court.

M.R.24052 - In re: Daniel Joseph Fumagalli. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Daniel Joseph Fumagalli is censured.

Order entered by the Court.

M.R.24062 - In re: Baltazar Mendoza. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent Baltazar Mendoza is suspended from the practice of law for thirty (30) days and is directed to attend and successfully complete the Professionalism Seminar of the Illinois Professional Responsibility Institute within one (1) year of the entry of the Court's final order of discipline.

Suspension effective October 13, 2010.

Respondent Baltazar Mendoza shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.24063 - In re: Wes Cowell. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent Wes Cowell is suspended from the practice of law for three (3) years and until further order of the Court, with the suspension stayed after the first eighteen (18) months by a period of probation subject to the following conditions:

- a. Respondent shall, within the first thirty (30) days of probation, enroll in a law office management program sponsored by or through the Cook County, Chicago or other Bar Association and shall, upon enrollment, notify the Administrator, in writing, of the name of the attorney with whom respondent is assigned to work. Respondent shall successfully complete the law office management program at least thirty (30) days prior to the end of the probation term. Through respondent's participation in the law office management program, respondent shall establish and utilize a system for the handling of funds belonging to clients and third parties that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct and instructions provided to respondent by the Administrator, including the following Trust Account Procedures:

Basic accounting records that must be maintained daily and accurately:

Account Check Register - list sequentially all trust account deposits and trust account checks and maintain a current and accurate daily balance on the trust account;

Account Receipts Journal - list chronologically all deposits into the trust account, each deposit to list the date of the deposit, the source of each deposit, the client matter, the deposit number and the amount of the deposit, and maintain a copy of each item deposited;

Account Disbursement Journal - list chronologically all trust account disbursements and identify each disbursement with the date of the disbursement check, the trust account check number, the payee, the purpose of the disbursement, the client matter and the amount of the disbursement check;

Client Ledger Journal - list chronologically for each client matter all receipts, disbursements and remaining balances, preparing a separate page for each client matter and listing chronologically all receipts and disbursements and remaining balances for each client matter;

Source documents which must be preserved for seven (7) years:

Bank statements;

Deposit slips;

Cancelled checks - all trust account checks must have a named payee (no checks written to "cash") and the memo portion of the check must contain a reference to a client matter;

Time and billing records; and

Copies of records from client files that are necessary for a full understanding of the lawyer's financial transactions with the client: e.g., retainer and engagement agreements; settlement statements to clients showing the disbursement of the settlement proceeds; bills sent to clients and records of payments to other lawyers or non-employees for services rendered;

Reconciliation - There must be a running balance maintained for all ledgers and account books, and the balances in the client ledger journal must be reconciled each month with the balances in the trust receipts and disbursement journals, the account checkbook register and the bank statements. Records of each reconciliation must be maintained for seven (7) years;

b. Respondent shall authorize the attorney assigned to work with him in the law office management program to:

i. Disclose to the Administrator on a quarterly basis, by way of signed reports, information pertaining to the nature of respondent's compliance with the law office management program and the above-described conditions;

ii. Promptly report to the Administrator respondent's failure to comply with any part of the above-described conditions;

iii. Respond to any inquiries by the Administrator regarding respondent's compliance with the above-described conditions;

c. Respondent shall attend meetings as scheduled by the Commission probation officer. Respondent shall submit quarterly written reports to the Commission probation officer concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation;

d. Respondent shall comply with the provisions of Article VII of the Illinois Supreme Court Rules on Admission and Discipline of Attorneys and the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;

e. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;

f. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Disciplinary Fund for any Client Protection payments arising from his conduct;

g. Respondent shall abstain from the usage of alcohol;

h. Respondent shall report to the Administrator any lapse in his sobriety within seventy-two (72) hours of that usage;

i. Respondent shall notify the Administrator within seven (7) days of any arrest or charge alleging his violation of any criminal or quasi-criminal statute or ordinance;

j. Respondent shall notify the Administrator within fourteen (14) days of any change of address; and

k. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining eighteen (18) month period of suspension shall commence from the date of the determination that any term of probation has been violated and shall continue until further order of the Court.

Suspension effective October 13, 2010.

Order entered by the Court.

M.R.24074 - In re: Robert S. Luce. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Robert S. Luce is suspended from the practice of law for five (5) months.

Suspension effective October 13, 2010.

Respondent Robert S. Luce shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.